



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: October 3 2008

Expiration Date: November 3, 2008

Corps of Engineers Action ID: NWP-2008-192

30 Day Notice

Oregon Department of State Lands Number: 40337-RF

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Mr. McMillan)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: JT Smith and Company, 4386 SW Macadam, Suite 305, Portland, Oregon 97239

Location: The Crestview Crossing project is located on an unnamed tributary to Springbrook Creek in Newberg, Yamhill County, Oregon (Section 16 of Township 3 South, Range 3 West). The project site is situated north of Highway 99W, across from the hospital.

Project Description: The applicant proposes to permanently impact 1.69 acres of wetlands and 0.01 acre of streams to construct a mixed residential and commercial development, known as Crestview Crossing. Additionally, the applicant proposes to temporarily impact 0.01 acre of waters of the U.S. Project impacts under the applicant's proposed alternative would be caused by road crossings, site grading and preparation, and culvert placement. Project details are described below and appear in the attached figures.

The extension of Crestview Drive, as proposed, bisects the property, and the commercially zoned portion of the project would contain at least two parcels, visible from Highway 99W with access off of the extended Crestview Drive. The proposed residential development would be situated in the northern portion of the site.

The entire extent of the wetland located on the south end of the property (1.69 acres) would be filled with approximately 10,100 cubic yards (cy) of clean fill material. Additionally, impacts to the drainage at the north end of the property (culvert placement) would occur in two locations where road crossings would be required, and these impacts would be less than 0.01 acre. Additionally, a small, palustrine, forested wetland (0.004 acre) would be impacted by the full site development.

Permanent drainage impacts from the culvert placement at Highway 99W will be limited to the rip rap placed for erosion protection at the culvert inlet as well as for further bank protection south of the highway.

A temporary culvert would be placed within the road ditch west of the Highway 99W culvert crossing to provide construction vehicle access south of the ditch. This temporary impact would be approximately 41 sq. ft. (<0.001 acre). The road ditch directly adjacent to the existing culvert outlet will also be temporarily impacted from digging an 8' x 18' bore pit. Temporary impacts to waters of the U.S. at this location would be approximately 32 sq. ft. (<0.001 acre).

Materials to be removed from the site would consist of the native soils, which are generally silt loam and silty clay loam. Fill material would consist of rock, gravel, sand, silt, and clay, as well as rip rap and culverts.

Standard residential/ commercial development construction practices would be used to build the project. Equipment used on the site would include graders, loaders, scrapers, dump trucks and others as determined by the selected contractor. Site access would be via Crestview Drive as it is constructed and extended.

The applicant suggests that significant hydraulic and hydrological changes are expected within the southern wetland, and full site development (as opposed to avoiding or minimizing wetland impacts) is preferable to leaving wetlands with little or no function. The wetland complex runs east-west through the site, and could not be avoided and still meet the project purpose.

Compensatory Mitigation

The applicant proposes to mitigate wetland impacts offsite, approximately 8 miles west of the project area (Section 17, Township 3 South, Range 3 West, Tax Lot #1000). The applicant proposes to create 1.963 acres of wetlands and 0.602 acre of buffer along an existing unnamed drainage located on the Harold Kuehne property located on Kuehne Road in Carlton, Oregon. The applicant-constructed mitigation would mitigate project impacts as follows:

- 1.963 acres of palustrine/ slope wetlands would be restored (ratio of 1.15:1, restoration to impact)
- 0.005 acre of palustrine forested wetland would be restored (ratio of 1.15:1)

Onsite, the applicant proposes to daylight 0.02 acre of perennial drainage to compensate for impacts to the drainage on the north portion of the project site (ratio of 2:1). Refer to the attached drawings for mitigation details.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: to construct a mixed commercial and residential development in Newberg, Oregon

Drawing(s): 21 drawings attached.

Additional Information: Additional information may be obtained from Mr. James M. McMillan, U.S. Army Corps of Engineers at (503) 808-4376.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the proposed activity will not affect endangered species or critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) is not required for the described activity.

Cultural Resources: An initial evaluation of the proposed project area indicates that an historic properties investigation has not been conducted within the permit area. The Corps has no knowledge of sites that may be eligible for, or listed on the National Register of Historic Places.

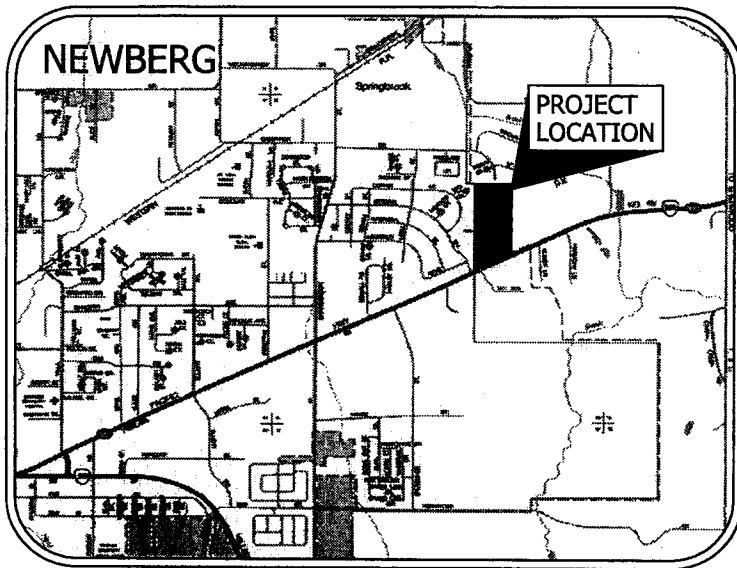
This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential affects.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

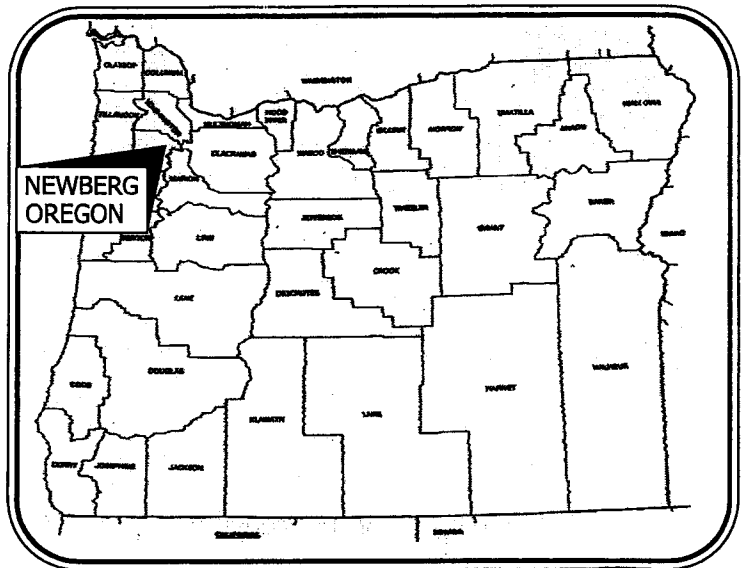
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal.

To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

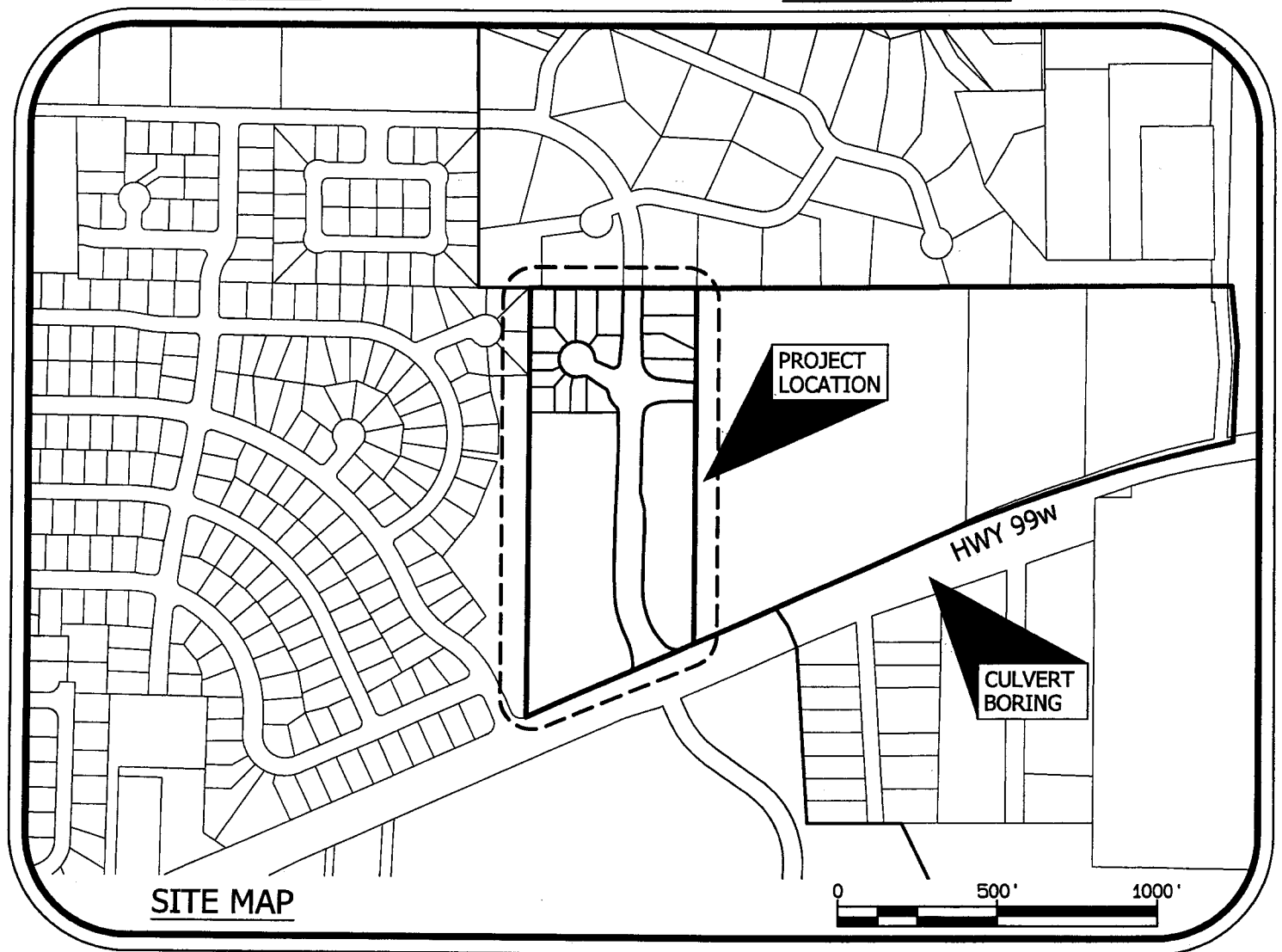
Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.



VICINITY MAP NOT TO SCALE



LOCATION MAP NOT TO SCALE



SITE MAP

0 500' 1000'

The Saunders Company Inc.

ENGINEERING DIVISION
P.O. Box 536 Dundee, Oregon 97115-0536
503-537-9950 Fax: 503-537-9952

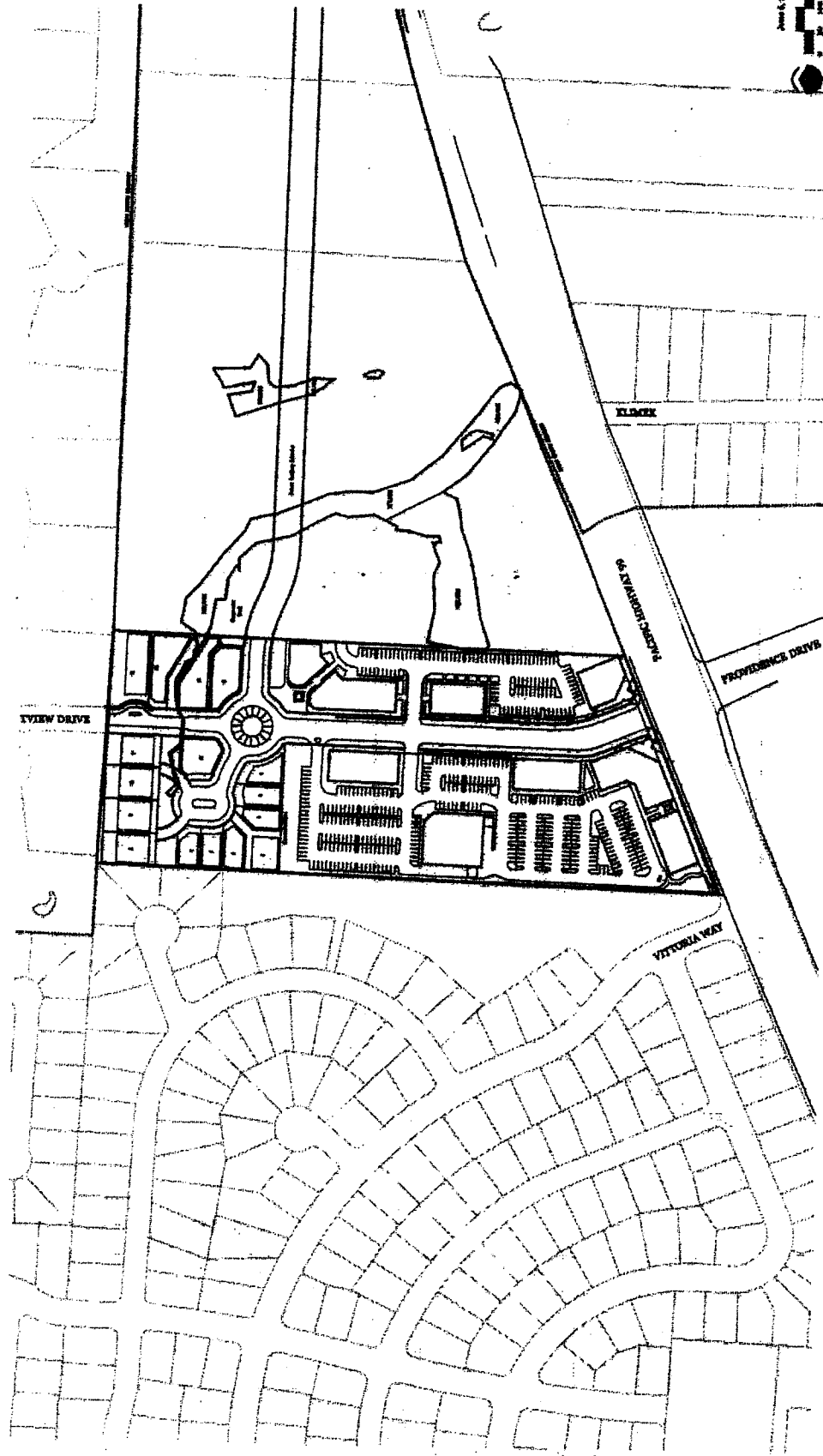
CRESTVIEW CROSSING
NEWBERG, OREGON

SITE VICINITY MAP
ON-SITE



Date: MARCH 2008
Scale: NOTED
Rev:
Job: 07-SIE
Sheet: **WI.1**

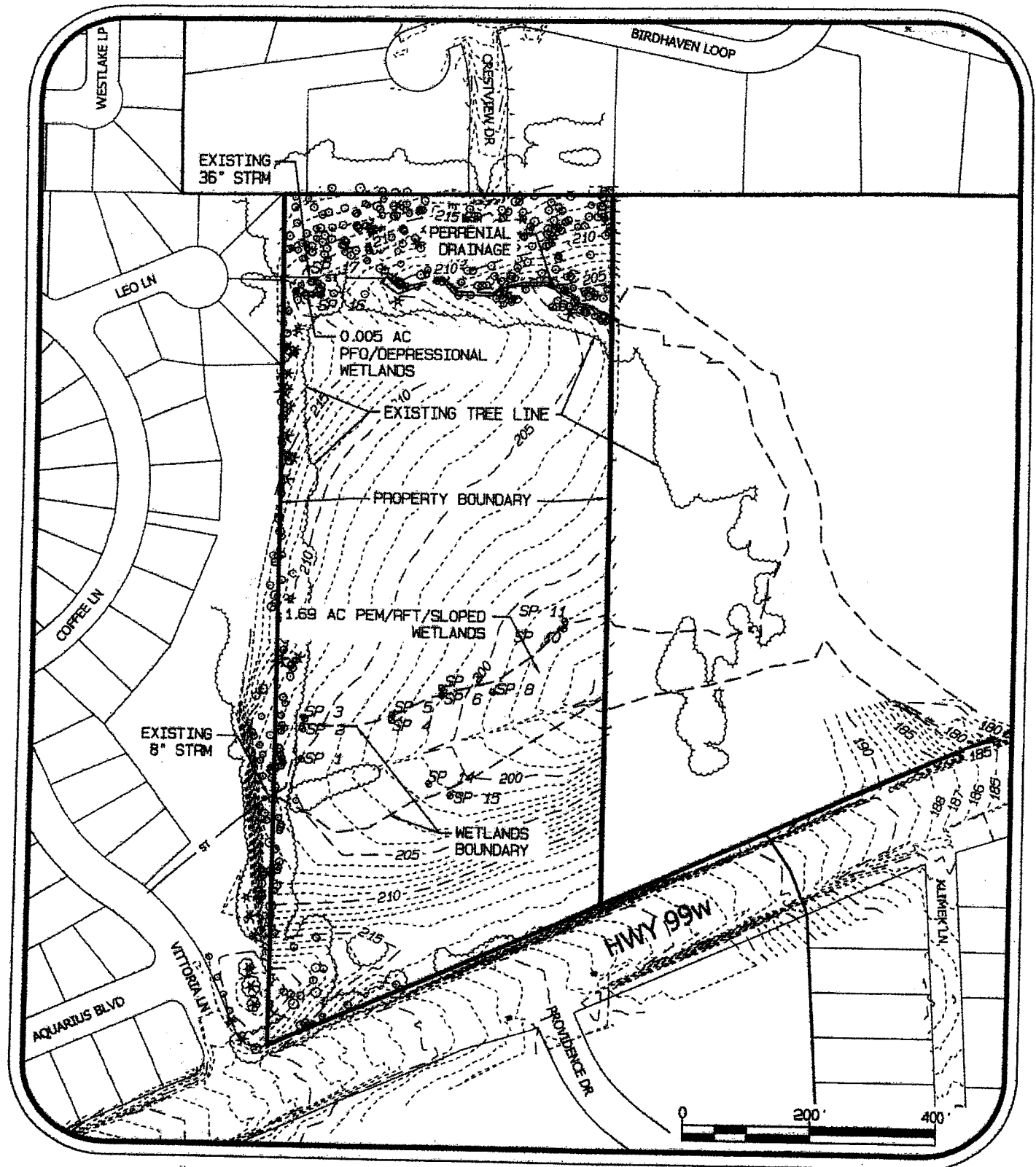
NWP-2008-192



Crestview Crossing

Conceptual Development Plan

Commercial/Residential Development Concept



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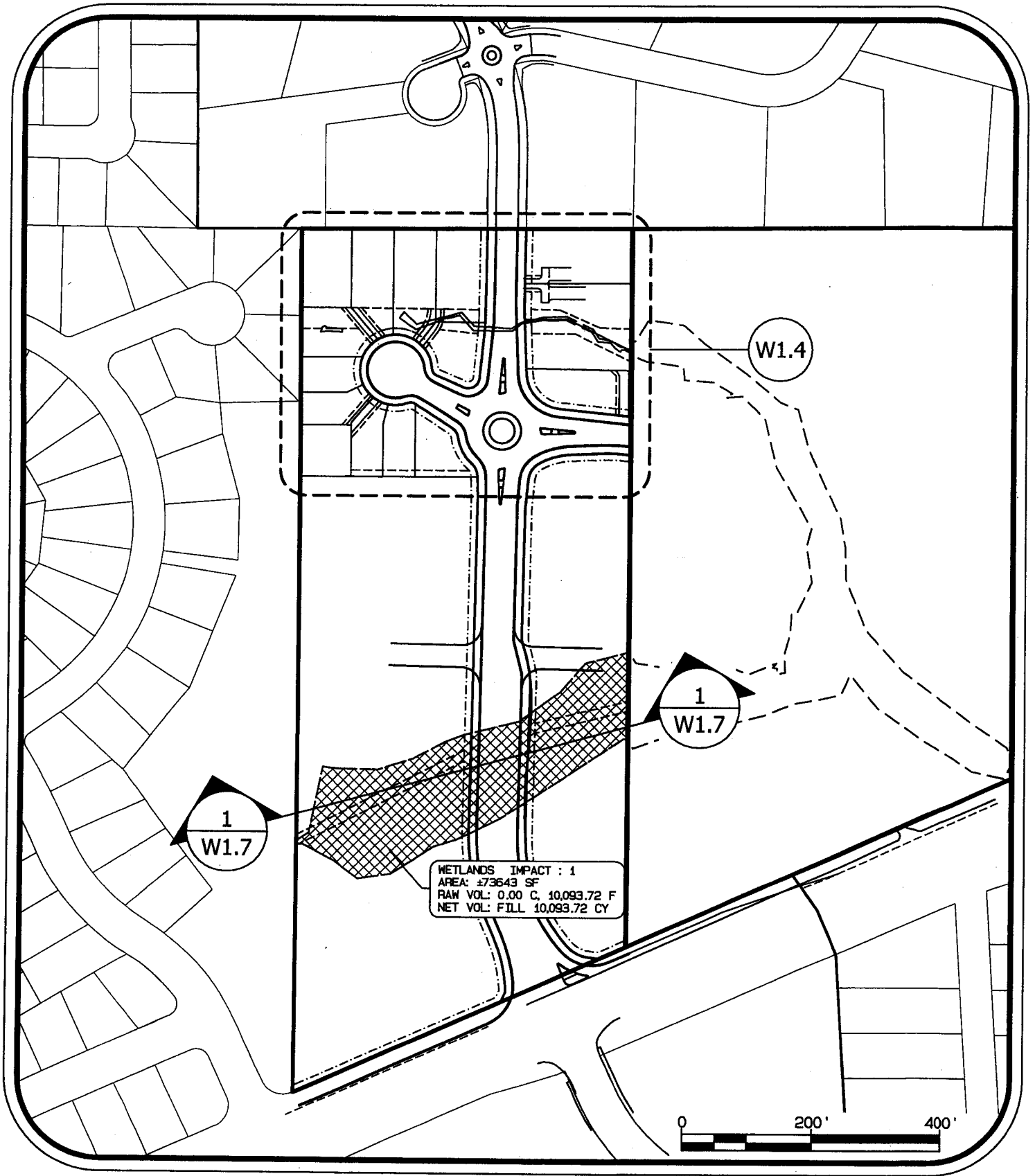
CRESTVIEW CROSSING
NEWBERG, OREGON

**EXISTING CONDITIONS
ON-SITE**



Date: MARCH 2008
Scale: NOTED
Rev: 5/28/2008
Jdr: 07-5/E
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WI.2



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CRESTVIEW CROSSING
 NEWBERG, OREGON

SITE DEVELOPMENT PLAN
 SOUTH AREA - ON-SITE



Date: MARCH 2008

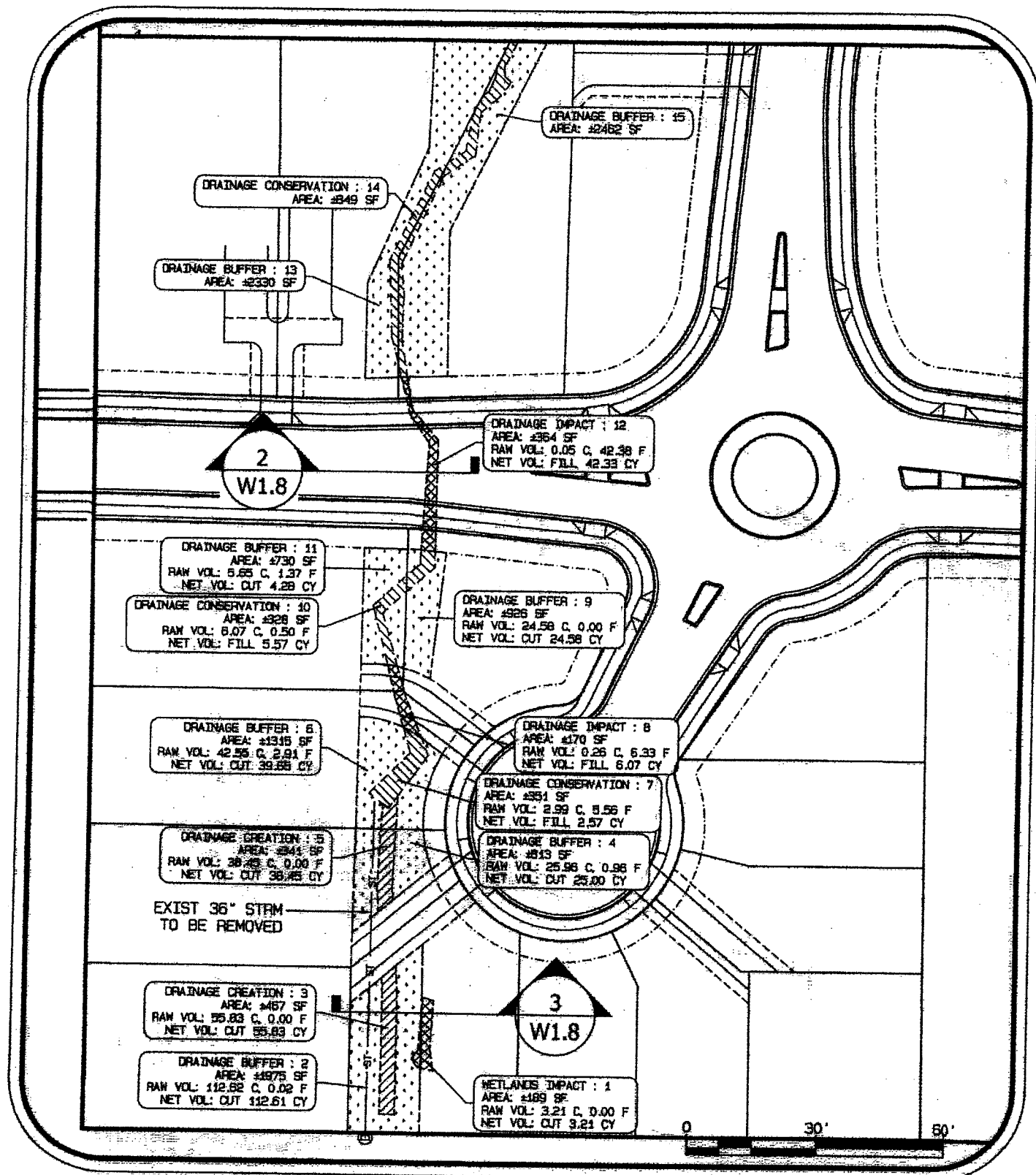
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Job: 07-51E

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WI.3



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CRESTVIEW CROSSING
NEWBERG, OREGON

SITE DEVELOPMENT PLAN
NORTH AREA - ON-SITE



Date: MARCH 2008

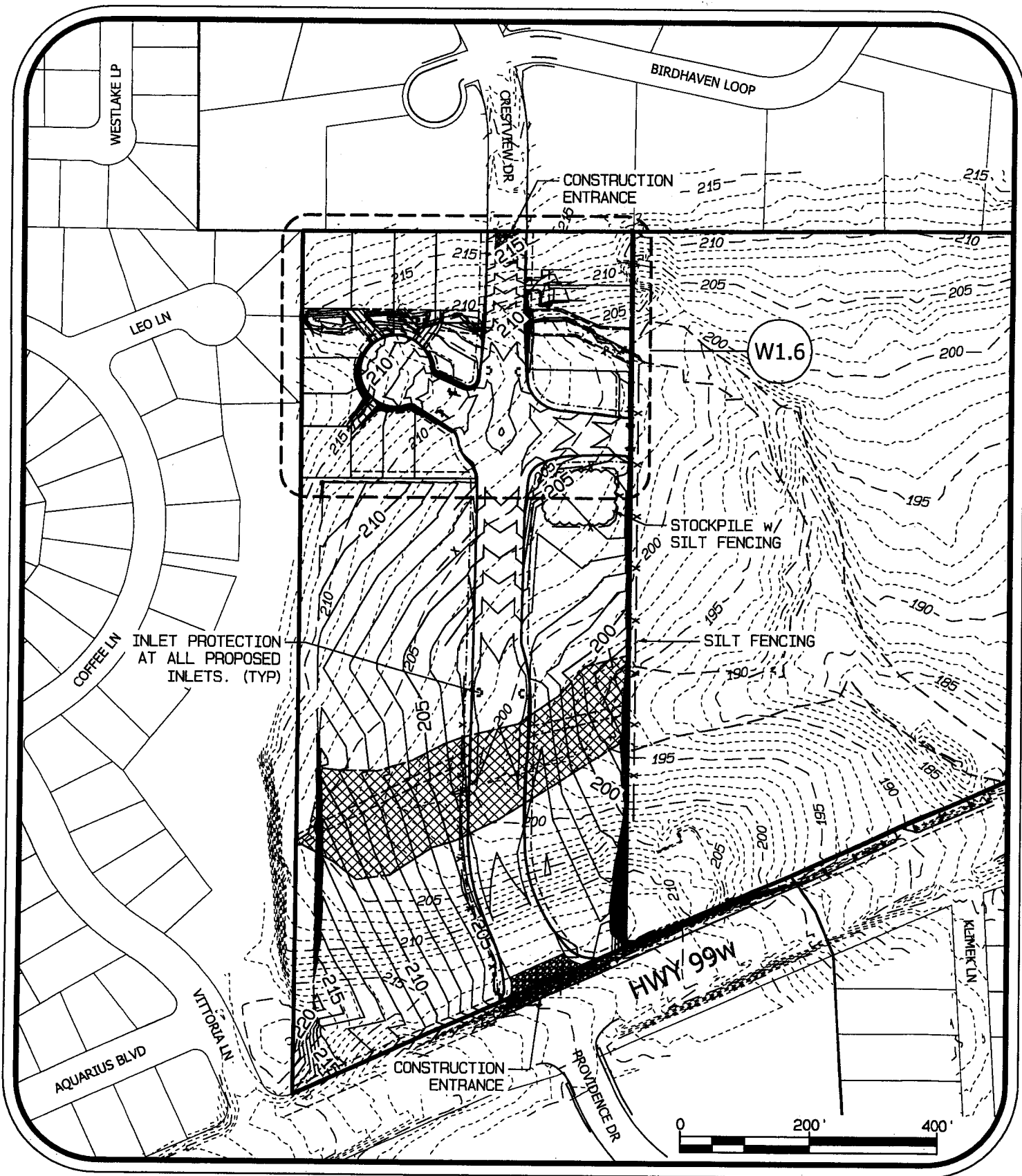
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Rev: 5/28/2008

Job: 07-SIE

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W1.4



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CRESTVIEW CROSSING
NEWBERG, OREGON

GRADING & EROSION CONTROL
SOUTH AREA - ON-SITE



Date: MARCH 2008

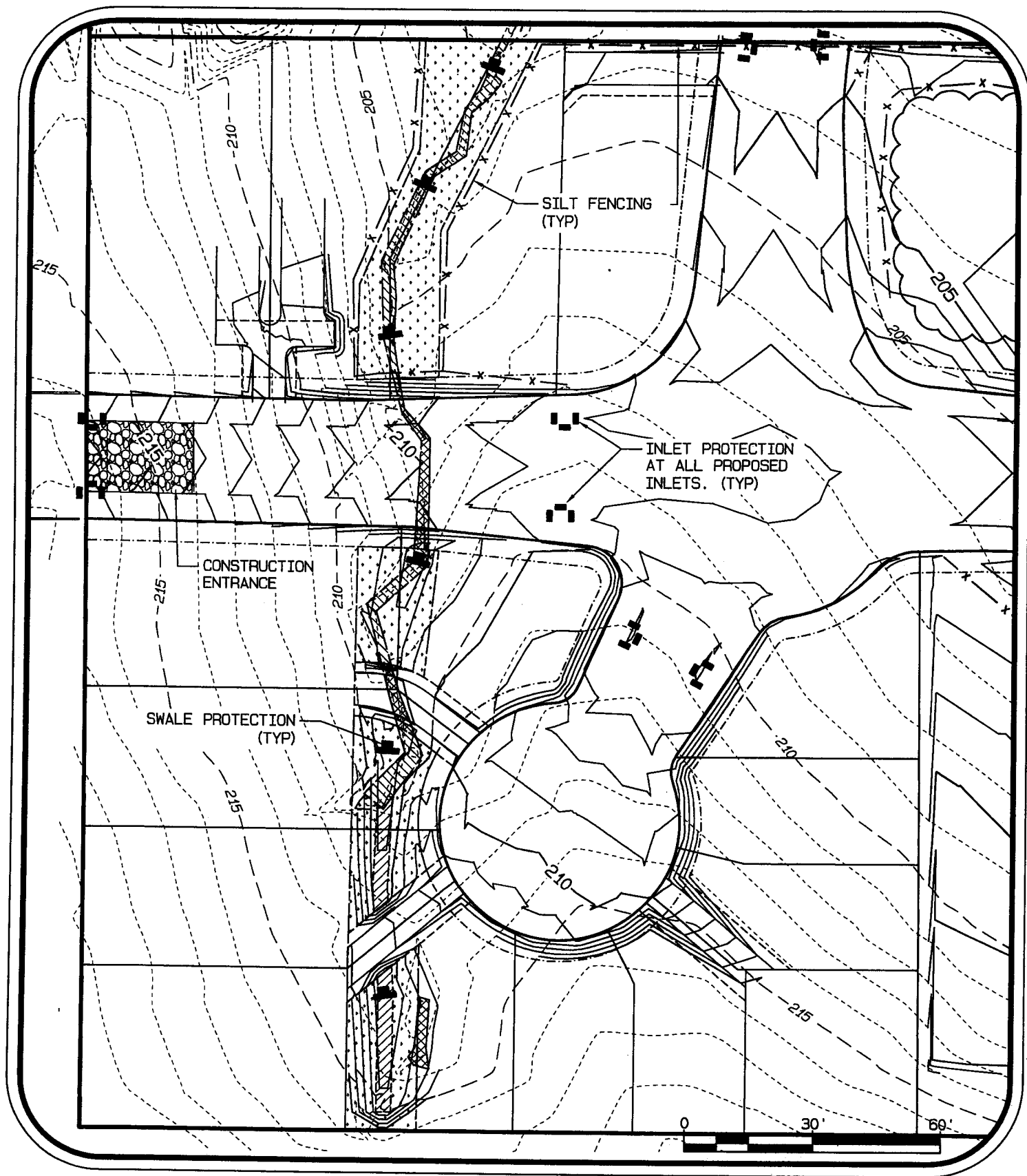
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Job: 07-51E

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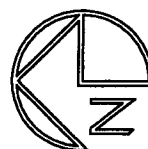


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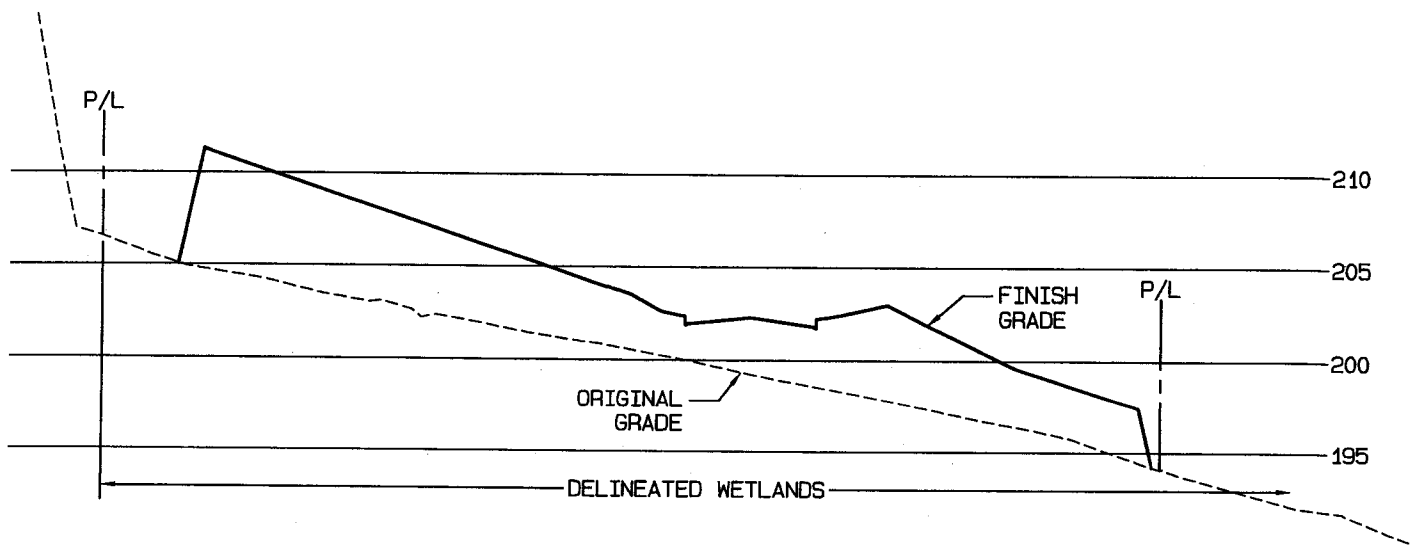
ENGINEERING DIVISION
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CRESTVIEW CROSSING
NEWBERG, OREGON

GRADING & EROSION CONTROL
NORTH AREA - ON-SITE



Date: MARCH 2008
Scale: NOTED
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Job: 07-51E
Sheet: W1.6



1

SECTION

Scale: H 1"=100' V 1"=10'

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CRESTVIEW CROSSING
NEWBERG, OREGON

CROSS-SECTIONS
SOUTH AREA - ON-SITE



Date: MARCH 2008

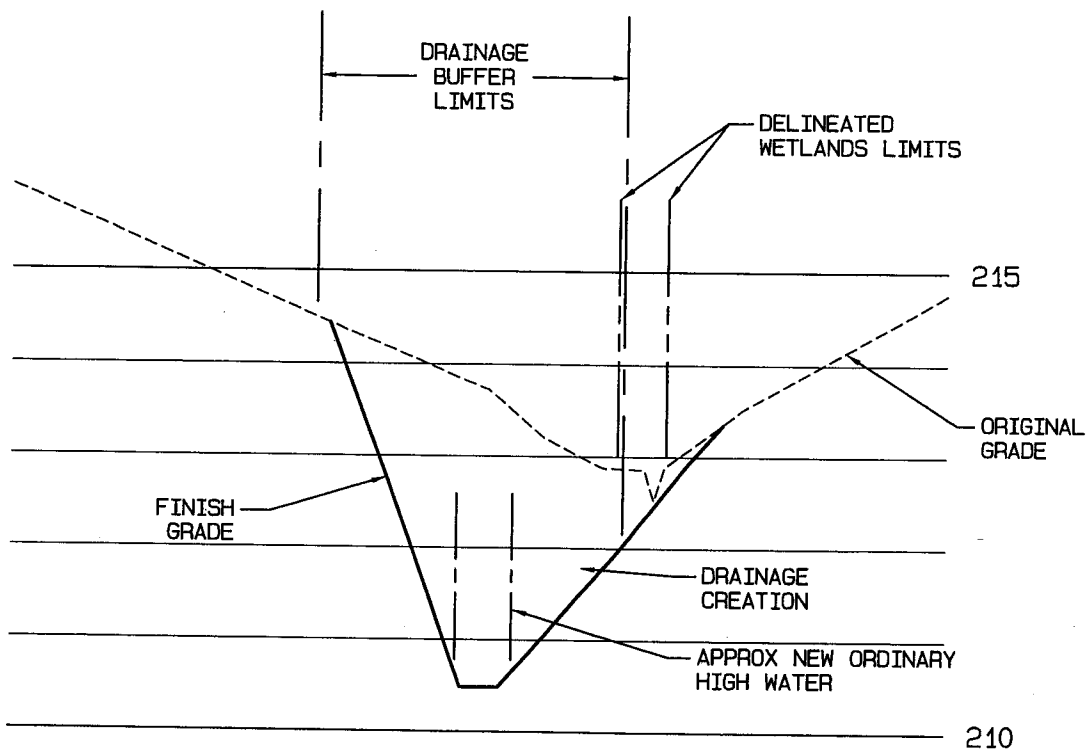
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Job: 07-51E

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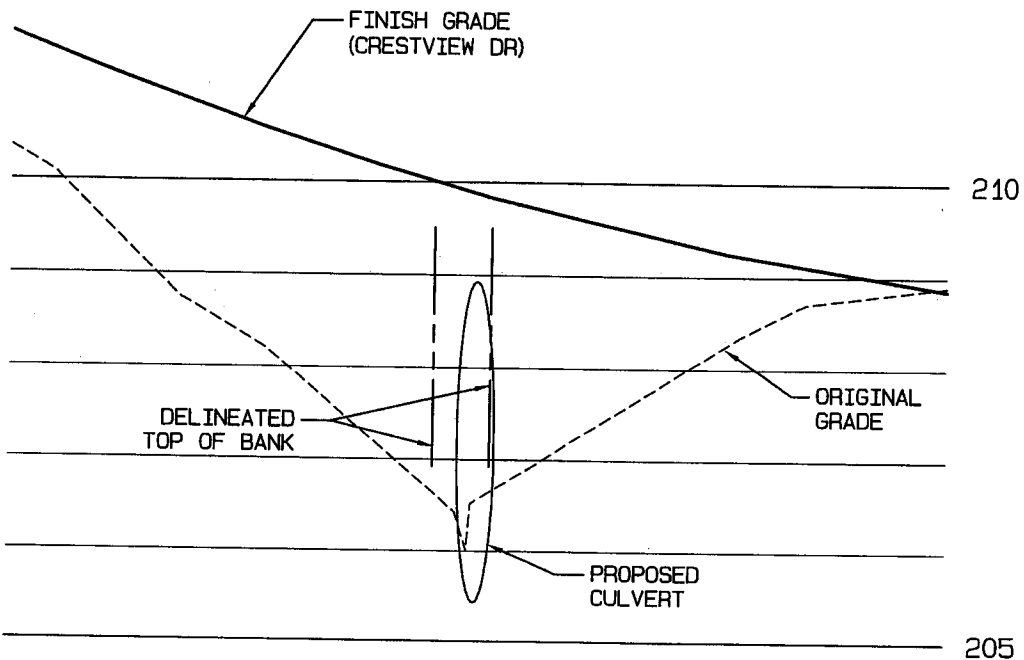
WI.7



3

SECTION

Scale: H 1"=20' V 1"=2'



2

SECTION

Scale: H 1"=20' V 1"=2'

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CRESTVIEW CROSSING
NEWBERG, OREGON

CROSS-SECTIONS
NORTH AREA - ON-SITE



Date: MARCH 2008

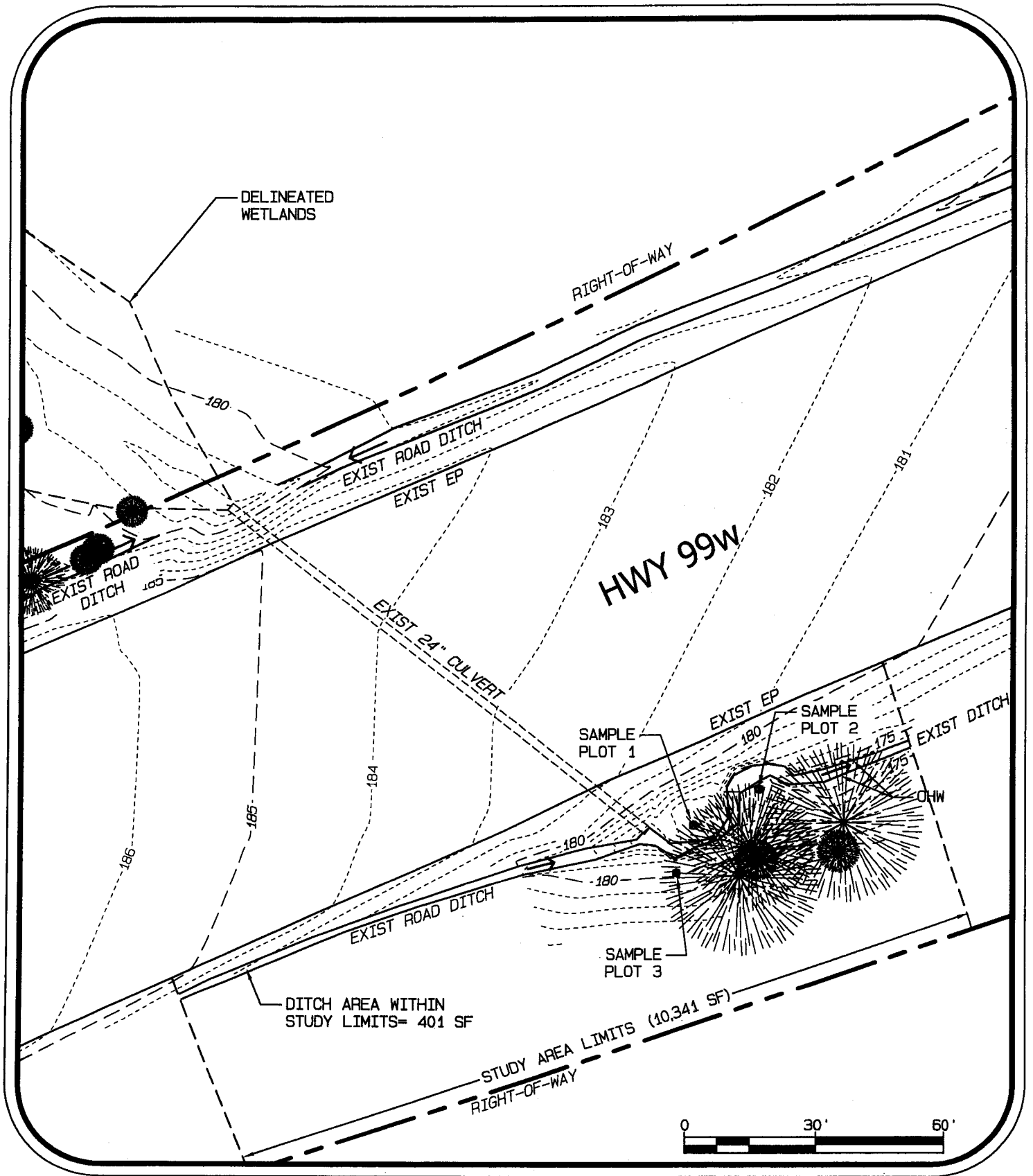
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Job: 07-51E

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WI.8



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CRESTVIEW CROSSING
NEWBERG, OREGON

**EXISTING CONDITIONS
CULVERT BORING**

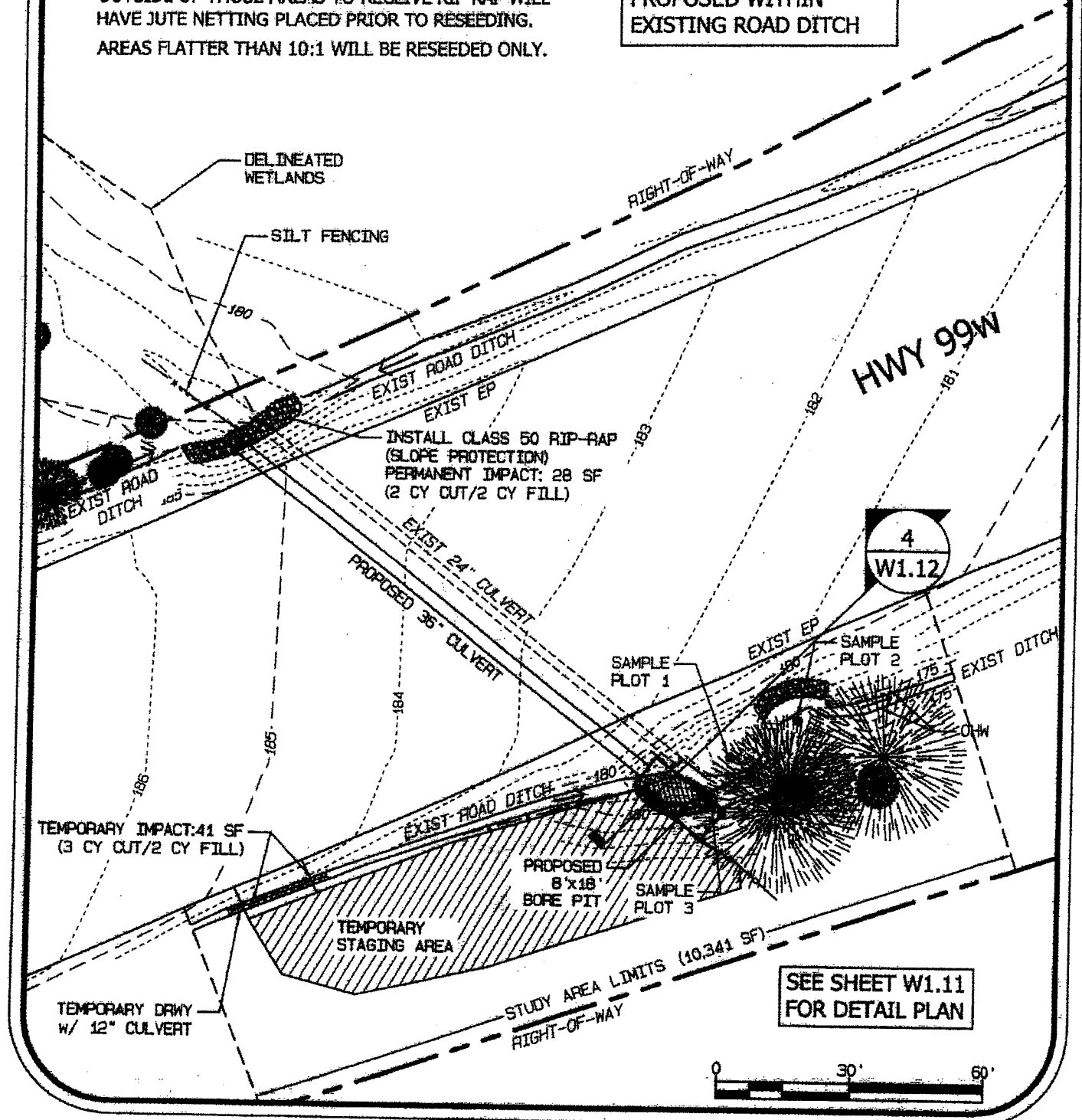


Date:	MARCH 2008
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Rev:	4/1/2008
Job:	07-51E
Sheet:	WI.9

RESTORATION NOTE:

ANY DISTURBED AREAS WITH SLOPES 10:1 OR STEEPER OUTSIDE OF THOSE AREAS TO RECEIVE RIP-RAP WILL HAVE JUTE NETTING PLACED PRIOR TO RESEEDING. AREAS FLATTER THAN 10:1 WILL BE RESEED ONLY.

NO PERMANENT GRADING PROPOSED WITHIN EXISTING ROAD DITCH



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**CRESTVIEW CROSSING
NEWBERG, OREGON**

**CULVERT BORING
EROSION CONTROL & DEVELOPMENT PLAN**



Date: MARCH 2006
Scale: NOTED
Rev: 6/9/2006
Jals: 07-SIE
Sheet:
W1.10

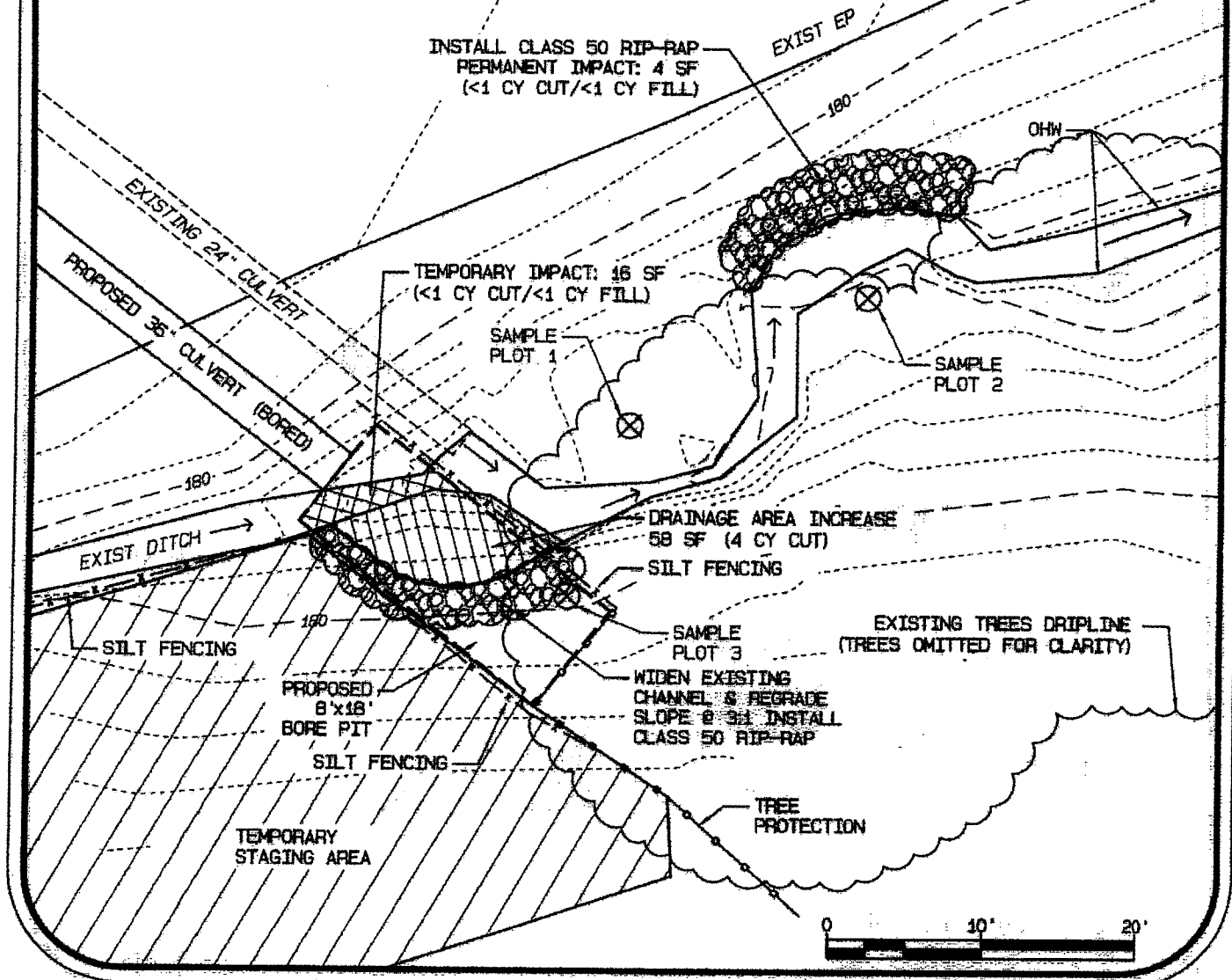
RESTORATION NOTE:

ANY DISTURBED AREAS WITH SLOPES 10:1 OR STEEPER
OUTSIDE OF THOSE AREAS TO RECEIVE RIP-RAP WILL
HAVE JUTE NETTING PLACED PRIOR TO RESEEDING.

AREAS FLATTER THAN 10:1 WILL BE RESEED ONLY.

NO PERMANENT GRADING
PROPOSED WITHIN
EXISTING ROAD DITCH

HWY 99W



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503-537-9950 Fax: 503-537-9952

CRESTVIEW CROSSING
NEWBERG, OREGON

CULVERT BORING
EROSION CONTROL & DEVELOPMENT PLAN



Date: MARCH 2006

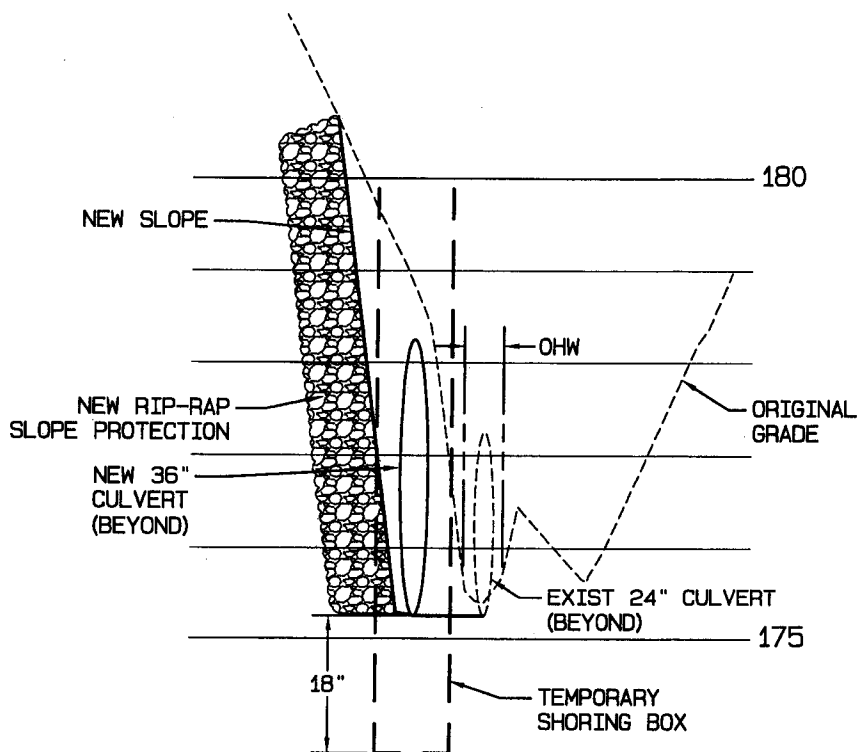
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Rev: 5/8/2005

No: 07-SIE

Sheet

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4

SECTION

Scale: H 1"=20' V 1"=2'

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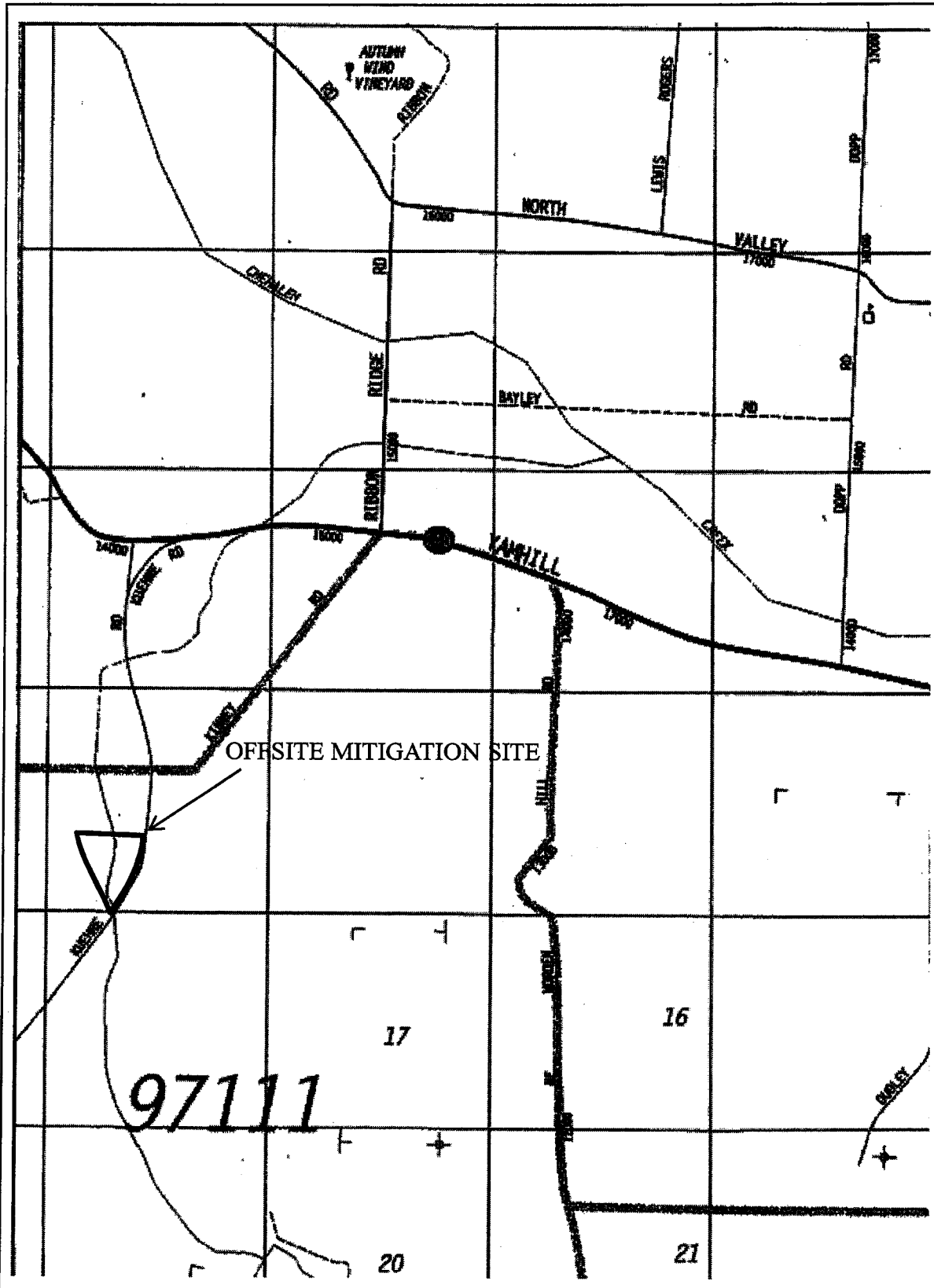
ENGINEERING DIVISION
P.O. Box 536 Dundee, Oregon 97115-0536
503-537-9950 Fax: 503-537-9952

CRESTVIEW CROSSING
NEWBERG, OREGON

CROSS-SECTION
CULVERT BORING

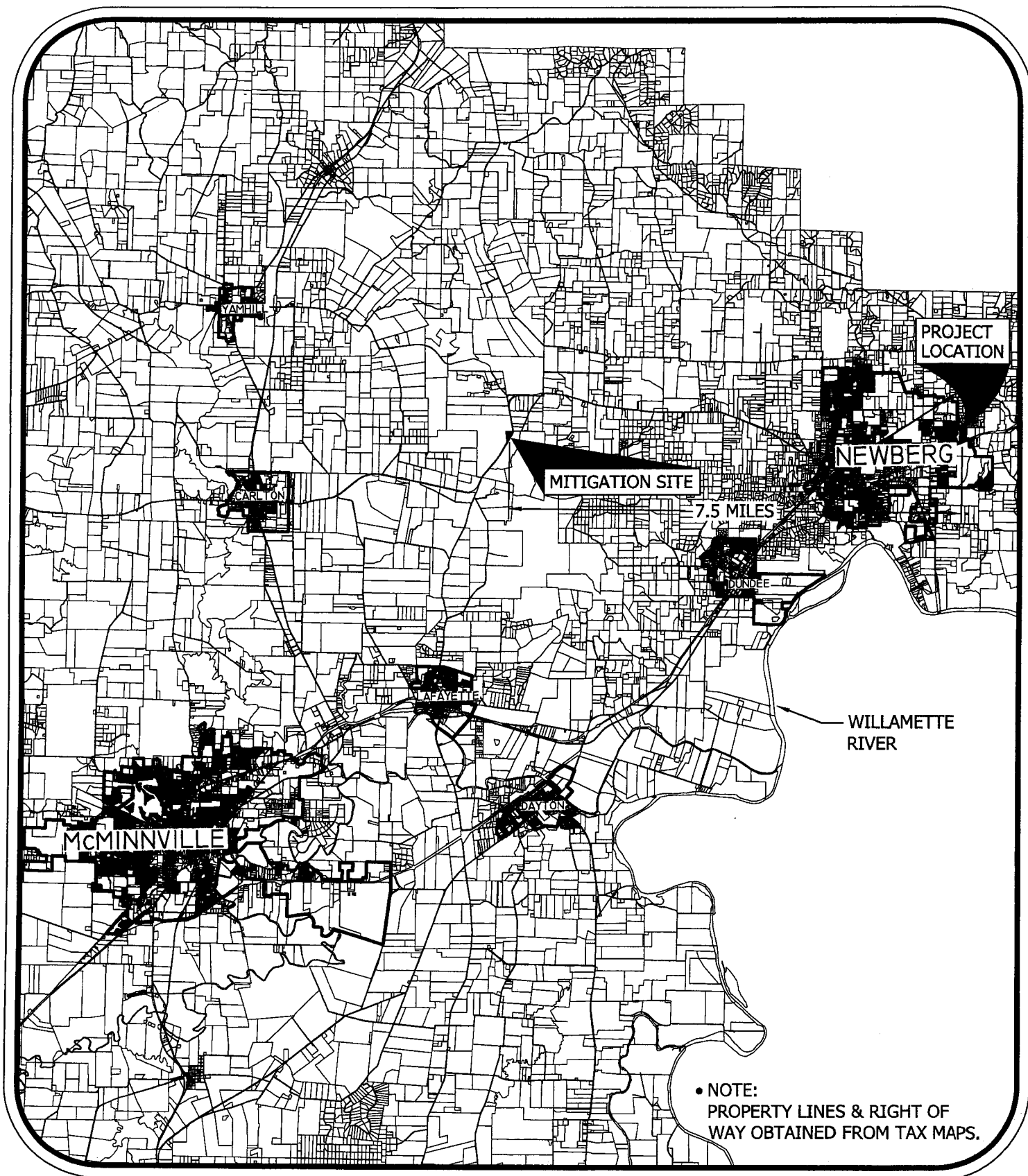


Date: MARCH 2008
Scale: NOTED
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Job: 07-SJE
Sheet: WI.12



S&A#1916
Crestview Crossing Offsite Mitigation Location

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



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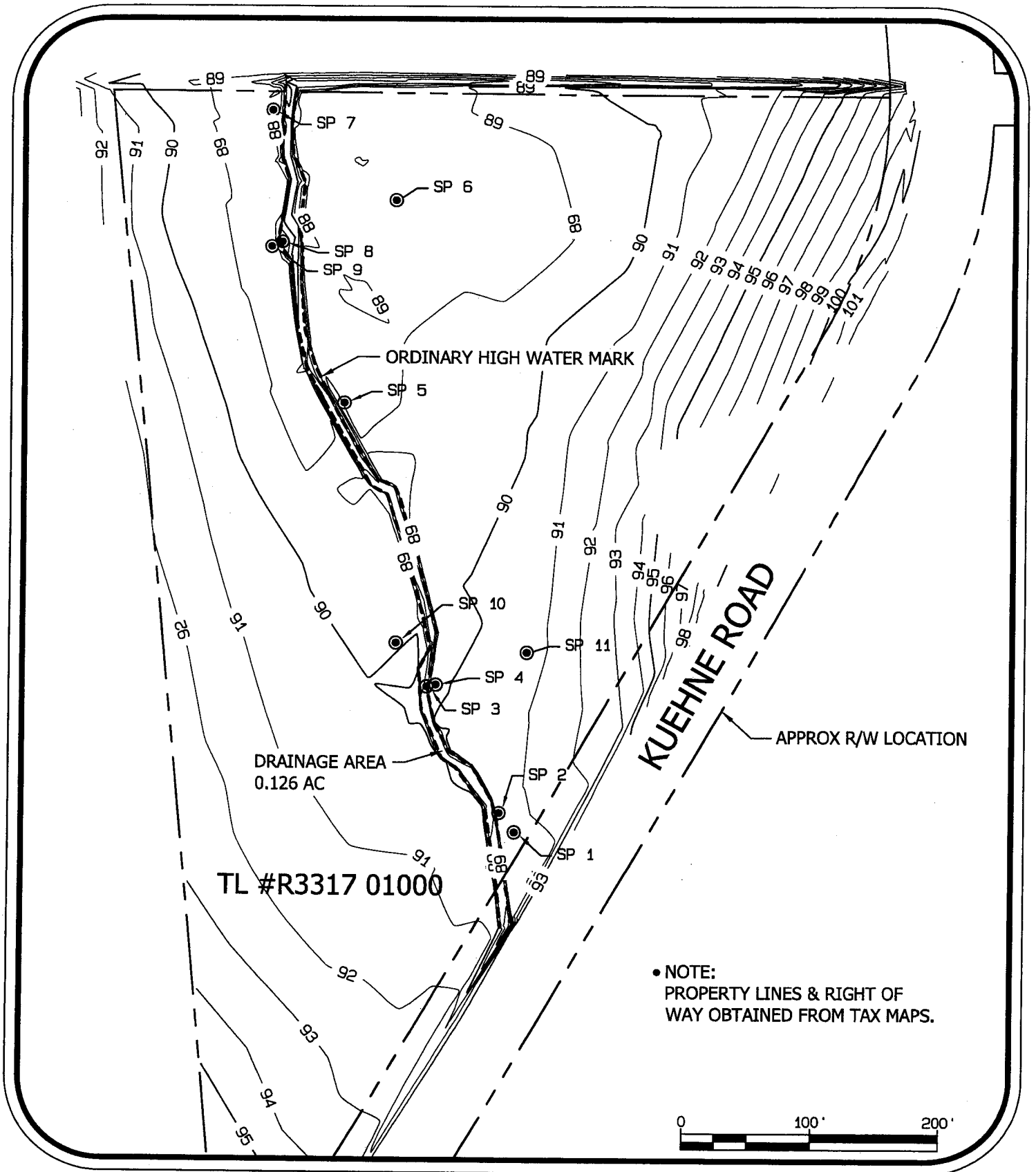
ENGINEERING DIVISION
P.O. Box 536 Dundee, Oregon 97115-0536
503-537-9950 Fax: 503-537-9952

CRESTVIEW CROSSING
NEWBERG, OREGON

**OFFSITE MITIGATION
LOCATION MAP**



Date: MARCH 2008
Scale: NONE
Rev:
Job: 07-51E
Sheet:
W2.1



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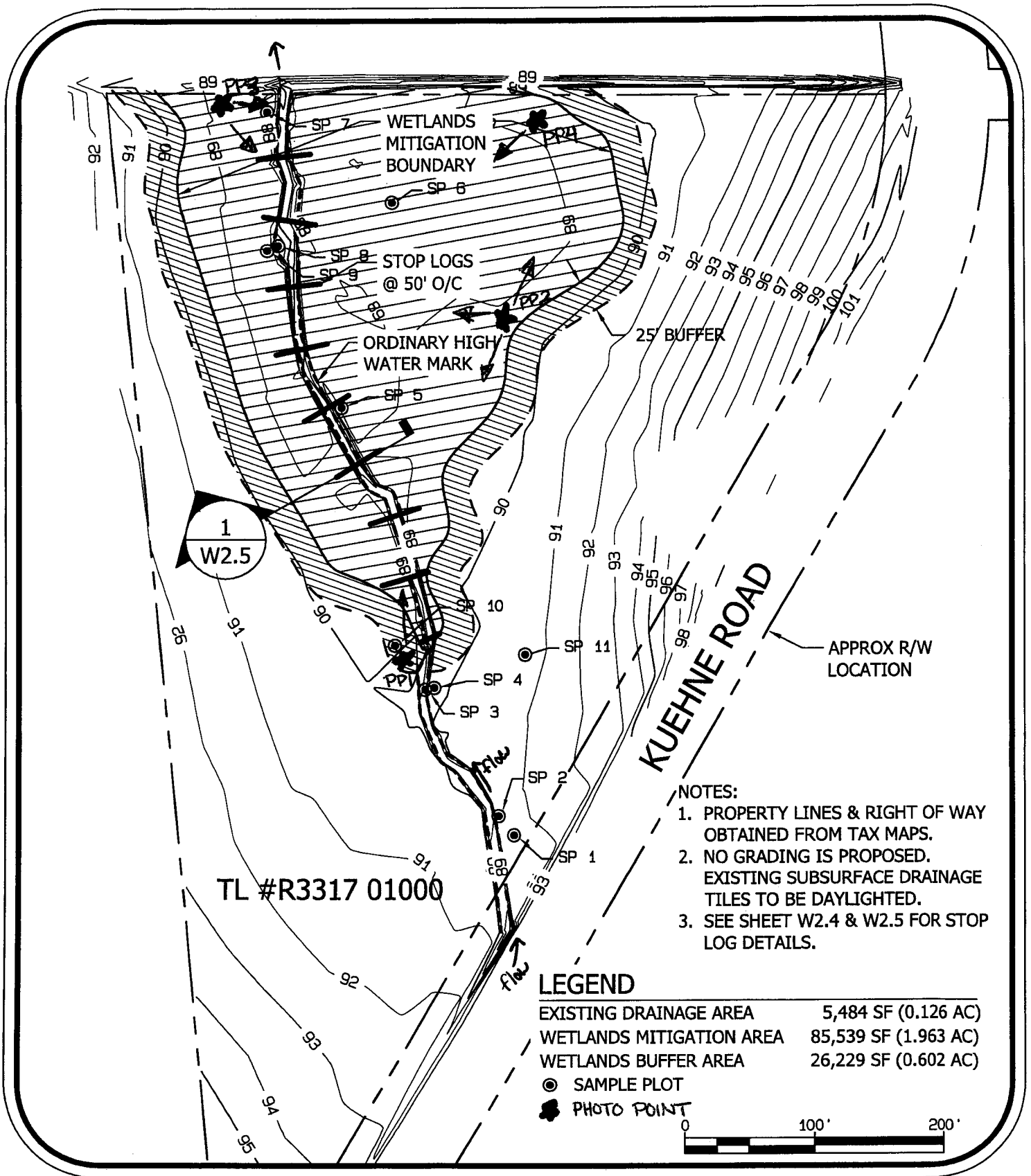
ENGINEERING DIVISION
P.O. Box 536 Dundee, Oregon 97115-0536
503-537-9950 Fax: 503-537-9952

CRESTVIEW CROSSING
NEWBERG, OREGON

**OFFSITE MITIGATION
EXISTING CONDITIONS**



Date: MARCH 2008
Scale: NOTED
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Job: 07-51E
Sheet:
W2.2



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CRESTVIEW CROSSING
NEWBERG, OREGON

**OFFSITE MITIGATION
PROPOSED AREAS**



Date: MARCH 2008

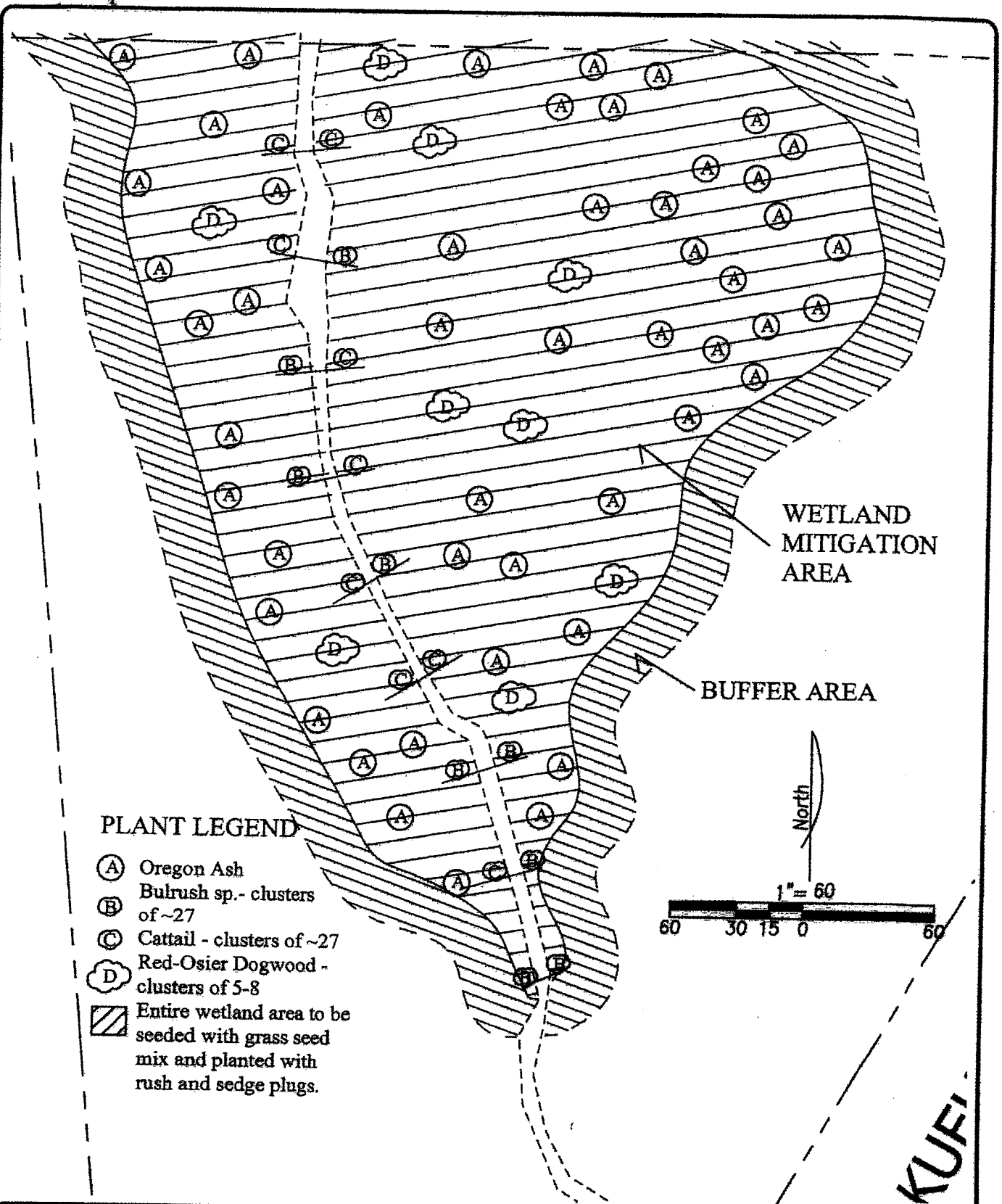
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Job: 07-51E

Sheet:

W2.3



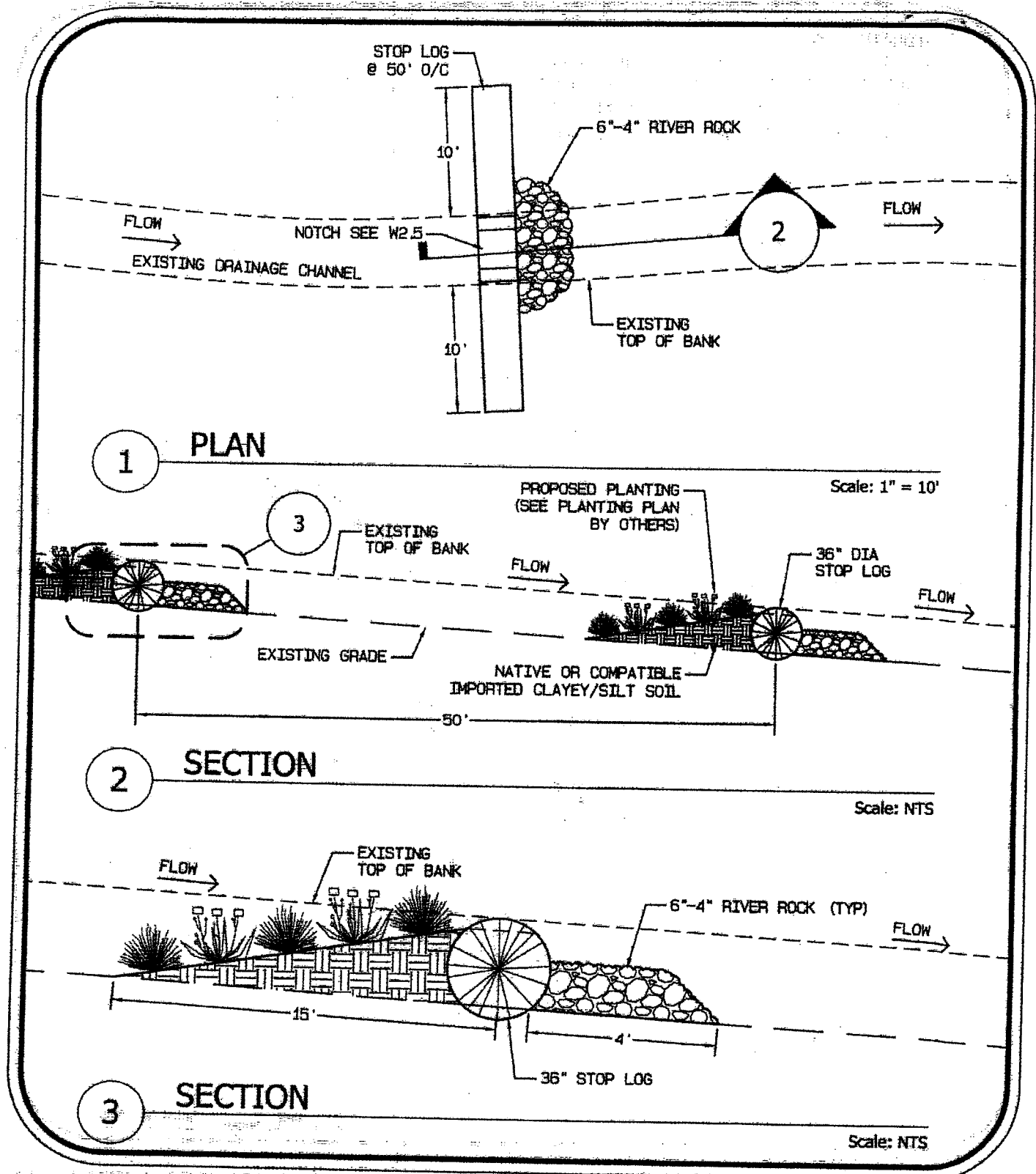
05-27-08
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Job #: 1916
Sheet 1 of 1

OFFSITE MITIGATION PLANTING PLAN

SCHOTT & ASSOCIATES
21018 NE HWY 99E
PO BOX 589
AURORA, OREGON 97002

p: 503.678.6007
f: 503.678.6011





The Saunders Company Inc.

ENGINEERING DIVISION
P.O. Box 536 Dundee, Oregon 97115-0536
503-337-9950 Fax: 503-537-9952

CRESTVIEW CROSSING
NEWBERG, OREGON

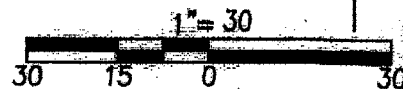
**STOP LOG DETAIL
OFFSITE MITIGATION AREA**



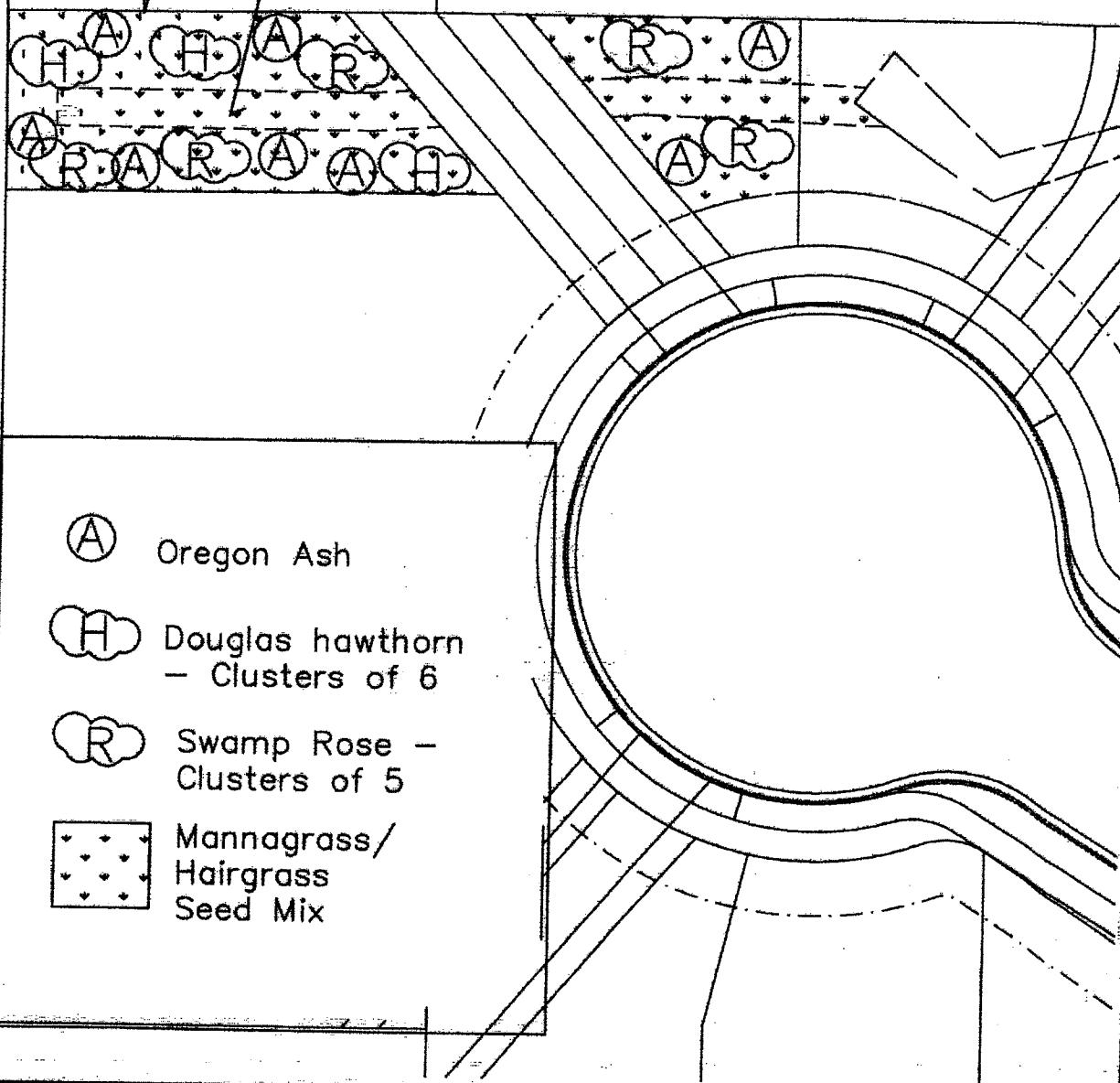
Date: MARCH 2008
Scale: NOTED
Rev: 6/10/2008
Mr: 07-31E
Sheet: **W2.4**

BUFFER AREA

DRAINAGE CREATION AREA



North



Ⓐ Oregon Ash

Ⓜ Douglas hawthorn
- Clusters of 6

Ⓡ Swamp Rose -
Clusters of 5

⬢ Mannagrass/
Hairgrass
Seed Mix

05-27-08
JIT
Job #: 1916
Sheet 1 of 1

ONSITE MITIGATION PLAN

SCHOTT & ASSOCIATES
21018 NE HWY 99E
PO BOX 589
AURORA, OREGON 97002

p: 503.678.6007
f: 503.678.6011



PUBLIC NOTICE
Oregon Department of Environmental Quality (DEQ)
Water Quality 401 Certification

Corps of Engineers Action ID Number: NWP-2008-192
Oregon Department of State Lands Number: 40337-RF

Notice Issued: October 3, 2008
Written Comments Due: November 3, 2008

WHO IS THE APPLICANT: JT Smith and Company, 4386 SW Macadam, Suite 305, Portland, Oregon 97239

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Jan Coomler at (503) 229-5087.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0032 (2) states that "The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on November 3, 2008. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953 or faxed to (503) 229-6957. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to 401publiccomments@deq.state.or.us. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.